

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_0785A
Yoshifito KAWAMURA et al. : Confirmation No. 7359
Serial No. 10/579,971 : Group Art Unit 1793
Filed May 23, 2006 : Examiner Sikyin Ip
HIGH STRENGTH AND HIGH :
TOUGHNESS MAGNESIUM ALLOY AND
METHOD OF PRODUCING THE SAME

DECLARATION UNDER 37 CFR 1.132

I, Yamasaki Michiaki, one of the inventor's named in the above-identified application, hereby declare as follows:

1. I have studied the above-identified application, Serial No. 10/579,971, the Office Action therein dated April 1, 2011, and the references relied upon by the Examiner in rejecting the claims.

2. Claim 1 of the present application is directed to a "magnesium alloy casting product". One of ordinary skill in the art, including myself, would clearly recognize that a magnesium alloy casting product is very different from a rapidly solidified magnesium alloy product as a product. Even if the alloy composition is the same, the person that has skill in the art would understand that the magnesium alloy casting product is different from a rapidly solidified magnesium alloy product as a product. The reason is that the crystal structure of the rapidly solidified magnesium alloy product has crystal grains of a submicron size, and does not have crystal grains of a relatively large size compared with the submicron size. A rapidly solidified magnesium alloy product that is annealed has crystal grains of a submicron size. Compared to this, the crystal structure of a magnesium alloy casting product has crystal grains of a much larger size compared with the submicron size. Therefore, referring to the Examiners "Response to Arguments" section on page 7 of the Office Action, even if the rapidly solidified magnesium alloy product of the Kawamura reference is annealed, the annealed product would still have crystal grains of a submicron size, and would be very distinct from the magnesium alloy casting product

of the present invention.

I also note that a rapidly solidified magnesium alloy product is expensive, compared to a casting product which is relatively cheap.

3. I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 22, 2011

Date

Michiaki Yamasaki

Yamasaki Michiaki